

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

**HENRY GRANT,** )  
Plaintiff, )  
vs. )  
**SGT. ROYCE BROWN, PRISON** )  
**HEALTH SERVICES, INC., and** )  
**NURSE SKIRT** )  
Defendants. )

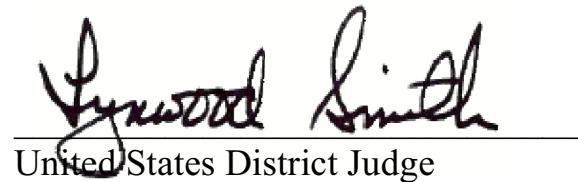
## MEMORANDUM OPINION

The magistrate judge filed a report and recommendation on February 11, 2009, recommending that the defendants' motion for summary judgment be granted, that the plaintiff's claims against PHS and Nurse Sherk be dismissed without prejudice, and that the plaintiff's claim against Royce Brown be dismissed with prejudice. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be, and it hereby is, ADOPTED, and his

recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants' motion for summary judgment is due to be GRANTED, and the plaintiff's claims against PHS and Nurse Sherk are due to be DISMISSED WITHOUT PREJUDICE, and the plaintiff's claim against Royce Brown are due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

DONE this 12th day of March, 2009.



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United States District Judge